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July 24, 2020

By ECF

The Honorable Denise Cote
U.S. District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Knopf et al. v. Esposito et al.*, No. 17-cv-5833 (S.D.N.Y.)

Dear Judge Cote:

We represent Defendants Dorsey & Whitney LLP and Nathaniel H. Akerman (collectively, the “Dorsey Defendants”) in the above-captioned action. We respectfully submit this letter pursuant to Your Honor’s July 13, 2020 order (ECF No. 212).

At this time, the Dorsey Defendants anticipate taking party depositions only of Plaintiffs, related to their claimed damages, and likewise anticipate serving document requests on Plaintiffs related to damages issues only. Based on additional facts that may be developed during discovery, it is possible that the Dorsey Defendant may wish to take one or more non-party depositions of Plaintiffs’ representatives, also related to damages and/or other communications about the case. Plaintiffs and the Dorsey Defendants have also agreed that Mr. Akerman will be produced for an additional deposition of no more than four hours.

The Dorsey Defendants may present expert testimony on Plaintiffs’ claimed damages. They do not anticipate presenting expert testimony on other issues, unless Plaintiffs elect to do so, in which case responsive expert testimony may be necessary. Given that any expert testimony from Defendants is likely to be responsive in nature, the Dorsey Defendants respectfully request that they be permitted to disclose experts consistent with the proposed, agreed-on schedule below.

Plaintiffs, the Dorsey Defendants, and Defendants Feldman and Esposito (the “Attorney Defendants”) have conferred and agreed on the following proposed schedule for this action.

August 14, 2020*	Date for service of initial requests for production and interrogatories under S.D.N.Y. Local Rule 33.3(a).
September 14, 2020*	Date for written responses to initial requests for production and Rule 33.3(a) interrogatories and production of responsive documents and any applicable privilege logs.

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September 21, 2020*	Date for service of requests for admission. ¹
October 21, 2020*	Date for responses to requests for admission.
November 23, 2020	Close of fact discovery; date for service of interrogatories under S.D.N.Y. Local Rule 33.3(c); date for Plaintiffs to identify experts and areas of testimony.
December 9, 2020	Date for Defendants to identify experts and areas of testimony.
December 23, 2020	Date for service of Plaintiffs' expert reports; responses to Rule 33.3(c) interrogatories.
January 23, 2021	Date for service of Defendants' expert reports.
February 9, 2021	Close of expert discovery.
March 1, 2021	Date for motions for summary judgment. In the event that no party discloses an expert, summary judgment motions would be due January 8, 2021.

Mr. Esposito has requested a 90-day stay of this action based on his illness, to which the Dorsey Defendants have not objected and which Plaintiffs have opposed. *See* ECF Nos. 213, 214. If the motion is granted, the Attorney Defendants propose that each of the dates above be extended by 90 days. If the motion is denied, as an accommodation to Mr. Esposito, Plaintiffs and the Attorney Defendants have agreed that the starred dates above would be extended as to Mr. Esposito only by 30 days. The remaining dates would apply equally to all parties.²

We are prepared to discuss these matters in further detail and provide any further information that may be useful to the Court at the July 31, 2020 telephonic conference.

Respectfully submitted,

Frederick B. Warder III
Jonathan H. Hatch

/s/ Jonathan H. Hatch

cc: All counsel of record (by ECF)

¹ Plaintiffs and the Attorney Defendants have agreed that no more than 30 requests for admission may be served on a party by any other party, with the Dorsey Defendants counting as one party under this limit.

² Yesterday, Mr. Phillips requested permission to participate in discovery in this action. *See* ECF No. 218. The Dorsey Defendants do not oppose this request.